

**FITAPELLI & SCHAFFER, LLP**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**SLOBODAN KARIC, CLARIBEL GARCIA,  
STEVEN JONES, GORAN STANIC,  
LJUBOMIR ZIVANOVIC, DANIEL COLON,  
and WILLIAM CHATMAN, on behalf of  
themselves and all others similarly situated,**

**Plaintiffs,**

**-against-**

**THE MAJOR AUTOMOTIVE COMPANIES,  
INC, MAJOR UNIVERSE, INC., MAJOR  
UNIVERSE, INC. d/b/a MAJOR WORLD FORD  
LINCOLN MERCURY, MAJOR CHEVROLET  
GEO, MAJOR CHEVROLET, INC., MAJOR  
CHRYSLER JEEP DODGE, INC., MAJOR  
MOTORS OF LONG ISLAND CITY, INC. d/b/a  
MAJOR KIA, MAJOR MOTORS OF THE FIVE  
TOWNS, INC., MAJOR AUTOMOTIVE  
REALTY CORP., HAROLD BENDELL,  
BRUCE BENDELL, and CHRIS ORSARIS,  
individually,**

**Defendants.**

**09 Civ. 5708 (ENV)(CLP)**

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF  
SETTLEMENT, CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS,  
APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND  
APPROVAL OF THE PROPOSED NOTICE OF SETTLEMENT  
AND CLASS ACTION PROCEDURE**

For the reasons set forth in Plaintiffs' Memorandum of Law in Support of Plaintiffs'



Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of the Proposed Notice of Settlement and Class Action Settlement Procedure ("Motion for Preliminary Approval") and in the Declaration of Joseph A. Fitapelli in Support of Plaintiffs' Motion for Preliminary Approval (the "Fitapelli Decl."), Plaintiffs respectfully request that the Court enter an Order:

(1) granting preliminary approval of the Joint Settlement Agreement and Release ("Settlement Agreement"), attached as **Exhibit A** to the Fitapelli Decl.;

(2) conditionally certifying the following settlement class under Federal Rule of Civil Procedure 23(a) and (b)(3) for purposes of effectuating the settlement:

The 89 individuals that have previously opted-into the instant litigation for a period of December 30, 2003 through November 24, 2014, while employed as Sales Representatives at Major Automotive.

(3) appointing Fitapelli & Schaffer, LLP as class counsel;

(4) approving Plaintiffs' proposed Notice of Proposed Settlement of Class Action Lawsuit that will be mailed to Class Members, attached as **Exhibit A** to the settlement agreement, and directing its distribution;

(5) approving Plaintiffs' proposed schedule for final settlement approval; and

(6) granting such other, further, or different relief as the Court deems just and proper.

\* \* \*

Plaintiffs have contemporaneously submitted a Proposed Order, attached as **Exhibit B** to the Fitapelli Decl., for the Court's convenience.

Dated: New York, New York  
August 21, 2015



Respectfully submitted,

/s/ Joseph A. Fitapelli

Joseph A. Fitapelli

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*Attorneys for Plaintiffs and  
the putative class*